

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING - 7:00 P.M.
March 26, 2003

Present:

John Hooker, Mayor
Penny Rembe, Trustee/Mayor Pro Tem
David Siegel, Trustee
Don Lopez, Trustee
Pablo Rael, Trustee

Hank Rosoff, Administrator
Allen Leatherwood, Treasurer
Annabelle Silvas, Clerk
Cyndie Tidwell, Planner
David Mathews, Attorney

1. CALL TO ORDER

The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, March 26, 2003 in the Warren J. Gray Hall. The meeting was called to order at 7:00 p.m.

A. Approval of the Agenda.

Motion: Trustee Lopez moved approval of Agenda. Trustee Rembe seconded the motion.

Vote: The motion carried unanimously.

B. Proclamation Proclaiming Fair Housing Month in April.

Mayor Hooker proclaimed that April is Fair Housing Month in the Village of Los Ranchos de Albuquerque.

Motion: Trustee Siegel moved approval to proclaim April as Fair Housing Month. Trustee Rembe seconded the motion.

Vote: The motion carried unanimously.

C. Presentation by Margo Covington - Human Resources Training Report.

Margo Covington reported on the Human Resources Training for the Village.

2. PUBLIC COMMENT PERIOD

There was no public comment period.

3. CONSENT AGENDA

A. Approval of the Minutes - Regular Meeting March 12, 2003.

Motion: Trustee Siegel moved approval with changes TO THE MINUTES..

Trustee Siegel said on page 4, line 2, there is a typo. He said line 2 should read obtaining not btaining. He said the minutes were excellent from the last meeting and very succinct.

Trustee Rael seconded the motion with changes. He said on page 8, line 15, remove - will *be moving*.

Mayor Hooker said on page 7, line 3 change every day to every week and line 4, should read **Senator Manny Aragon** and page 8, line 2, should read **Subhas Shah**.

Trustee Siegel said he accepted the amendments.

Vote: The Motion carried unanimously.

4. PUBLIC HEARINGS AND APPLICATIONS

A. A request by John Myers (Attorney) for Armin and Penny Rembe (property owners) for amendments to the Conditions of Approval as imposed by the Board of Trustees at their Regular Meeting held on March 24, 1999 for an application to rezone approximately 25 acres of land from Agricultural/Residential Zone (A-1) to Special Use Zone (SU-1) located at the southwest corner of Rio Grande Place and Rio Grande Boulevard, located at 4803 Rio Grande Boulevard. The original application proposed uses consisting of the following elements: 1. To allow cluster housing development of 24 single family homes with 0' setbacks for single family residential lots and a setback off Rio Grande Place of 30' and a setback of 150' off Rio Grande Boulevard. The project proposed the dedication of approximately 17 acres of open space abutting Rio Grande Boulevard, and (2). A Historic County Inn and Cultural Events Center consisting of 28 guestrooms and 131 parking spaces. The property located at 4803 Rio Grande Blvd. This parcel contains approximately 25 acres.

The Village Clerk swore in those who would be speaking under Item 4.A.

Trustee Rembe recused herself from voting on this item.

Attorney Mathews gave an explanation with regard to the application.

Trustee Lopez commented on the advertisement specifically referring to the 17 acres and stated that the number of acres is an error.

Planner Tidwell explained the error and it was stated that 12.1 acres is the correct number that is being proposed.

John Myers apologized for the error.

John Myers gave a lengthy presentation with regard to the history of the property, the original conditions and the settlement of the lawsuit. He said the settlement included several modifications to the conditions imposed by the Village.

Discussions continued regarding the following topics and/or modifications to the conditions:

- The number of rooms were changed from 9 to 15 rooms, the kinds of events and time of events
- Increases that were made to the set-back requirements
- Restrictions for walls in relationship to property lines
- The depth requirements for the landscape buffers - Paragraph 15, Page 3 of 8 shall include: *Existing landscape will be maintained and no walls shall be constructed within 50 ft. of the southern property line.*

- If the property were to be sold, nothing can be changed without Planning and Zoning and the Board of Trustees approval.
- Dedication of the open space, who will have ownership and responsibility for the maintenance for the open space
- Subdivision of the property must be consistent with the zoning for the property and the zoning for the property incorporates the site plan.
- Conditions of Approval were discussed and the Village's responsibility regarding these conditions. Section 26 states that the Village will be responsible to do an annual inspection. Paragraph 23 requires an annual inspection and an annual report
- Parking spaces, under item 13, pg. 6 of 8, there is a typographical error and it should read (9' by 18') as shown on the site plan.
- Paragraph 12, page 6, was changed to read ***100 watt of standard incandescent light or equivalent.***

Motion: Trustee Siegel moved approval with changes. Trustee Lopez seconded the motion.

J. T. Michelson said he agreed to what Attorney Mathews said to make as few changes to this settlement agreement as possible. He said since the Rembe's have been operating under the Special Use zoning (SU), that they have been good stewards of the land. He said regarding annual inspections, it is a requirement of the Village zoning ordinance.

Vote: The motion carried unanimously.

5. Old Business

A. Discussion and Approval to Advertise an Ordinance Amendment to Chapter 3 of the Codified Ordinance - Animal Welfare Ordinance - **DEFERRED FROM THE FEBRUARY 12, 2003 PUBLIC HEARING.**

Motion: Trustee Siegel moved approval to advertise. Trustee Lopez seconded the motion.

Trustee Siegel said on page 21, Section 11, line 4, delete *used for agricultural or commercial purpose*; Page 21, delete lines 16, & 17. *Owners of livestock must keep developed livestock areas clean from accumulated defecation at all times. Urine from livestock may not flow onto neighboring property.* Line 18, last sentence add the wording: *or adjacent property.* On line 9, page 4, item 1, change to read: *defecation or urination on public property, or private property without the permission of the owner.* On line 14, page 4, delete *item 3.* On page 14, item 17 change to read - *To fail to maintain all animal pens, corrals and property in a sanitary manner. Livestock or fowl excrement shall be disposed of properly.*

Discussion regarding the issuing of licenses and tags could be handled by the Municipal Clerk's delegation to the Animal Control Officer. It was also discussed that the veterinarian may be required to be bonded.

Trustee Rael said on page 13, line 3, the animal limit was too high.

Planner Tidwell suggested that there are people who rescue animals and hold them for a short amount of time and changing this number might hinder their efforts.

Attorney Mathews said a time limit on holding rescued animals might be a good way to handle this matter.

Discussion regarding issuing a permit to allow rescuers to engage in recognized rescue activities and rehabilitation for animals a holding period not to exceed 60 days continued. In addition, Item F. Hoarding/Animal Limits, page 13, line 3 was changed from *ten to six*.

Trustee Rael said on page 19, line 7 change *certified mail return receipt requested* to *first class mail*.

Dennis McCary asked if the other zones would have to comply with this plan.

Mayor Hooker said if you exceed one animal for every 10,000 square feet, compliance with this plan is required.

Dennis McCary said on page 21, line 27, he would like to change the word *of* to *or*. He suggested after the word plan to insert: *constant with guidelines as developed by the Village from time to time*. *He said he would hope that the guidelines would address the arena dust problems, etc.*

Attorney Mathews said using the Top-Notch Stables comments as a basis for some of the guidelines is a good idea.

Discussion regarding guidelines continued.

Attorney Mathews suggested on page 6, line 1 to change the wording to read - *The Board of Trustees may adopt regulations and guidelines to carry out the intent and purpose of this ordinance*.

Trustee Siegel said he amends his motion to include advertising the changes in draft summary.

Vote: The motion carried unanimously.

6. NEW BUSINESS

A. Nomination and Approval of representative to the Mid Region Council of Governments (MRCOG) public Involvement Committee (PIC) - DEFERRED FROM THE 3/12 BOARD MEETING.

Motion: **Trustee Siegel** moved approval of the nomination of Janet Stebleton with the proviso that a semi-annual report is brought back to the Board of Trustees and a mechanism be put in place so that the public will be able to contact Mrs. Stebleton. **Trustee Lopez** seconded the motion.

Discussion continued regarding the appointment of Janet Stebleton.

Vote: The motion carried unanimously.

B. Discussion and Approval to Dispose Worn-out 1993 Chevy Caprice Police Vehicle.

Motion: **Trustee Siegel** moved approval to dispose the vehicle. **Trustee Rael** seconded the motion.

Vote: The motion carried unanimously.

C. Discussion and Approval of Memorandum of Agreement between the City of Albuquerque and Village of Los Ranchos for Mutual Aid Automatic Aid involving Fire Protection (EMS)

Firefighter Brain Fox explained the Memorandum of Agreement.

Motion: Trustee Lopez moved approval of the Memorandum of Agreement. **Trustee Rael** seconded the motion.

Trustee Siegel asked if the Village tracks, how much is spent verses how much we receive with regard to the Mutual Aid Agreement.

Administrator Rosoff said we do not do tracking of that sort but we can get a count of how often we respond outside of the Village and how often we receive assistance.

Vote: The motion carried unanimously.

7. FINANCIAL BUSINESS

There was no financial report.

8. REPORTS

A. Mayor's Report

Mayor Hooker reported that Z-Coil did purchase a new building, as they needed more storage area, however, at this time; they were not leaving their current location. He advised that he has not talked to Ramon's. He reported that he attended the National Association of Regional Council's Annual Policy Conference in Washington. He said that Homeland Security was heavily discussed and that there is some money coming through for first responders. He said he did meet with the staff of Congressional Delegation and Representative Udall and introduced himself to Representative Pierce. He said he discussed with Representative Pierce the sewers and our TCSP grant for a parking lot, alleys and sidewalks. He said legislature included four bills: the elimination of Extraterritorial Zoning Authority for Bernalillo County, elimination of the Metropolitan Water and Waste Water Bill and in lieu of that creating a Joint City County Water Authority. He is requesting that Governor Richardson veto Bill 241. He said another bill was the Industrial Revenue Bond Bill and the fourth was the Senator James Taylor Bill, however, this bill died. He said the last Bill was for the Public Improvement District.

B. Administrator's Report

Administrator Rosoff stated the legislature had approved capital outlay for the Village, which still needs to be acted on by the Governor. The projects include \$290,000 for Area I & J Sewer design, \$10,000 for tennis court repairs, \$30,000 to begin development of a park on Village property north of Paseo del Norte, and some \$210,000 for roads safety improvements. The Area K (Dietz Farm and southern end of the Village) design is in final coordination and could be out to bid in April, with award in May and construction beginning in June. The new brush truck has been delivered and is in service. The Village and AMAFCA agreed to allocate \$40,000 of funds that AMAFCA had earmarked for Village drainage projects to a feasibility study for taking the water from Fourth Street to the existing City of Albuquerque Montano Pump Station. This could lead to a drainage solution that would include water harvesting at Los Poblanos Open Space, and

a major project partially funded by AMAFCA. The ICIP deadline for this year has been moved up to coincide with the budget cycle, so revisions to the ICIP will be presented on the same timeline as the budget submittal at the end of the Fiscal Year. Herman Herrera has been hired as the part-time parks maintenance person. This position was funded in the budget. The Village Staff received training this past week on Word, Excel and Access under a program from the State Highway Department. The training was provided by ENMU and was free to the Village. The TIA for the Horizon Academy has not yet been prepared; however, we have met once with the traffic consultant, and are setting up a meeting to discuss the assumptions and parameters of the study. It appears that the meeting will be during the second week of April.

C. Legal Report

Attorney Mathews reported on his attendance at Team Building, he discussed Bill 241. He reported with regard to the continuous problems with dogs in the Village killing other animals. He said he met with the Attorney for the KANAM Radio Station that the Village is in litigation with and that no further discussions regarding the lawsuit would be mentioned over the radio.

Discussion regarding the lawsuit continued.

Further discussion regarding the animal control issues continued and it was suggested to write an article in the next newsletter with regard to these issues.

D. Planner's Report

Planner Tidwell handed out the annual report that she prepared for the year 2002. She reported that the new draft FEMA maps have arrived. She said all of the elevations have changed. She said the New Mexico Flood Plain Managers Conference will be held in Albuquerque in April. Assistant Planner, Jessica Wilkins will be attending the Flood Plain Manager's Conference and is currently studying for the Flood Plain Manager's exam. She reported that the League of Zoning Officials is coming up this Spring and that she is planning on attending along with Keith Bradley and Jessica Wilkins.

E. Fire Department Report

Firefighter Fox reported on the First Annual Health & Safety Fair to be held on April 26th from 11:00 to 3:00 p.m. at the Village Hall and 30 or more vendors and multiple agencies are expected. He reported that the Cancer Walk is scheduled for April 6th and our Fire Department will be providing any Emergency Medical Services that may be required. He said the Easter Egg Hunt will be on April 19th. He reported that the new Brush Truck is in service and we have already used it. He reported that the Wildland Fire season is approaching and due to the recent rainfall, Chief Kelly is not planning on closing the Bosque or making any burn changes at this time. He also reported that the Fire Department is averaging 3 to 6 calls per day.

F. Engineer's Report

Administrator Rosoff reported that he is completing the traffic calming drawings and will be posted by April 1st. He said Subhas Shah is invited to the April 9th Board of Trustees Meeting.

9. Trustees Informal Discussion

Trustee Rael said he would like to attend the NM Municipal League District Conference.

Administrator Rosoff said that the Village will pay the fee.

The Public Safety Survey was discussed and it is believed that there are 80 to 90 responses. Further discussion continued that the responses would be counted and the Board will be presented with the results.

10. Adjournment

Motion: Trustee Siegel moved to adjourn the meeting at 10:50 p.m. **Trustee Rael** seconded the motion.

Vote: The motioned carried unanimously.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this

_____ day of _____ 2003.

ATTEST:

Annabelle Silvas, CMC
Village Clerk